

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALLA BUTLER, IAN HANNAH, and EDITH ZAGROD,

Plaintiffs,

-v-

THE ALL AMERICAN BAR ON FIRST AVENUE INC.,
58 E. 34TH ST. WINGS LODGE INC., ROBERT J.
GEROLA, JR., ROBERT O'ROURKE, CLAUDINE M.
O'ROURKE, and LOUISE DEMARCO,

Defendants.

CIVIL ACTION NO.: 21 Civ. 164 (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

The parties in this wage-and-hour case under the Fair Labor Standards Act ("FLSA") have consented to my jurisdiction under 28 U.S.C. 636(c) and Fed. R. Civ. P. 73 for all purposes (ECF No. 90), and have now submitted a joint Letter in support of settlement (ECF No. 95) and proposed Settlement Agreement (ECF No. 95 at 6–13) for approval under Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015).

The parties have agreed to settle this matter for a total sum of \$102,500, to be paid in specific installments over time. (ECF No. 95 at 8). The schedule of payments, however, appears to include two typographical errors. First, the Settlement Agreement provides for "[t]welve (12) monthly payments each in the amount of \$2,000.00 due on the first of each month, starting July 1, 2023, and continuing until and including June 1, 2023," i.e., a date before these payments are to start. (Id. at 8 ¶ 4.F (emphasis added)). Second, the Settlement Agreement provides for a final payment to be made "on or before June 1, 2023," but from the prior paragraph, it appears this payment should be due on or before June 1, 2024. (Id. ¶ 4.G (emphasis added)).

Accordingly, the parties are instructed to remedy the defects in the Settlement Agreement noted in this Order and submit a revised Settlement Agreement for approval by **July 29, 2022**. In a letter accompanying the revised Settlement Agreement, the parties shall also state whether Defendants (except Louise DeMarco) have signed confessions of judgment pursuant to Paragraph I of the Settlement Agreement.

Dated: New York, New York SO ORDERED.
July 22, 2022

Sarah L. Cave
SARAH L. CAVE
United States Magistrate Judge